

REMARKS

In the Office Action dated June 11, 2002, claims 1-5, 7-16, 21, 24-30 and 32-38 were rejected under 35 U.S.C. §102(e) as being unpatentable over LoBiondo et al. Claims 6, 17-20, 22, 23, 31 and 39-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over LoBiondo et al. in view of Coudray et al. By the present Amendment, the subject matter of claim 8 has been incorporated in independent claim 1, and the subject matter of claim 41 has been incorporated in independent apparatus claim 27. Claims 8 and 41 accordingly have been cancelled. Therefore, the only relevant rejections that must be addressed are the rejections of original claims 8 and 41.

At page 4 of the Office Action, for substantiating the rejection of claim 8 (grouped together with claims 9-16), the Examiner stated that through remote interactive communication capabilities, the monitoring system disclosed in LoBiondo et al. can automatically or semi-automatically submit orders for supplies to a remote reordering location, receive information from the reordering location relating to estimated and/or delayed shipping dates, and update the status of the inventory on the basis of confirmed shipment or order receipt information.

Applicant does not disagree that the LoBiondo et al. reference provides such teachings, however, these teachings are not comparable to the subject matter of claim 8, now embodied in independent claim 1. Claim 8 is directed to the situation where each ordering entity has at least one permissible supply item associated therewith. The data center fills the order requested by the ordering entity with a supply item conforming to the permissible supply item.

This procedure allows the data center to "match" the order submitted by an ordering entity to the permissible supply item (or items) for that particular ordering

entity. In the context of a postage meter machine, for example, if the postage meter machine identified in the identification code included in the ordering message has a thermal printer, it would not be permissible for that postage meter machine to submit an order requesting an ink tank. This not only precludes erroneous orders from being processed, but also precludes the owner of the ordering entity from illicitly obtaining supplies that are not used by the owner's machine.

The LoBiondo et al. reference is not concerned at all with providing any such security or matching procedure. As the Examiner has noted, the LoBiondo et al. reference at column 3, lines 42-47 describes steps that can be taken at the supply point by personnel at the supply point, however, there is no teaching that the personnel at the supply point, either manually or with computer assistance, undertake any checking as to whether the requested order is legitimate or erroneous. In the entirety of the LoBiondo et al. reference, there is no statement whatsoever regarding the possibility of an order being rejected or turned down at the supply point. According to the teachings of LoBiondo et al., orders are filled at the supply point with no questions being asked.

The LoBiondo et al. reference, therefore, does not disclose all of the method steps of claim 8, now embodied in independent claim 1, and therefore the LoBiondo et al. reference does not anticipate amended claim 1. Moreover, although a rejection of the subject matter of original claim 8 was not made based on the LoBiondo et al. reference under 35 U.S.C. §103(a), as noted above there is no teaching whatsoever in the LoBiondo et al. reference to undertake any type of questioning or checking at the supply site with regard to an incoming order. Therefore, amended claim 1 would not have been obvious to a person of ordinary skill in the art based on the teachings of LoBiondo et al.

Original claim 41 was among the claims rejected under 35 U.S.C. §103(a) as being unpatentable over LoBiondo et al. in view of Coudray et al. The subject matter of original claim 41 now embodied in independent claim 27, requires that the control unit, upon receiving a message from the data center after a check of authenticity of the ordering message, and the control unit modifies the operation of the device if the ordering message is determined not authentic.

This is another manner, expressed in apparatus terms, of addressing the same type of situation discussed above in connection with amended claim 1. If the data center, upon checking the ordering request, determines that it is not authentic, a message is then sent back to the device that causes the device to modify the operation thereof. Such modification can take several forms, such as a prompt being displayed to cause the operator to check the original order request to be sure that it does not contain any errors, or the modification could be more severe such as causing a temporary shutdown or slowdown of the operation of the device (sleep mode) if a more serious problem is suspected.

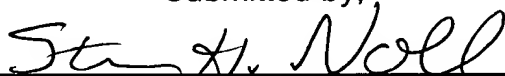
As noted above, the LoBiondo et al. reference is not concerned at all with determining whether an order request is authentic or proper. The Examiner relied on the Coudray et al. reference as disclosing a device and a method for determining the quantity of a product in a reservoir. Applicant does not disagree that the Coudray et al. reference provides such a teaching, however, even if the LoBiondo et al. system were modified in accordance with these teachings of Coudray et al., this would not alter the lack of any teaching in the LoBiondo et al. reference to undertake the aforementioned authenticity checking, and to take steps if a non-authentic ordering request is received at the supply site (data center).

Amended claim 27, therefore, would not have been obvious to a person of ordinary skill in the art based on the teachings of LoBiondo et al. and Coudray et al.

The remaining dependent claims respectively depending from amended claim 1 and amended claim 27 either add further method steps or further structure to the novel and non-obvious combinations of the independent claims. All of the dependent claims are therefore submitted to be allowable over the teachings of the LoBiondo et al. and Coudray et al. references for the same reasons discussed above in connection with claims 1 and 27.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,



(Reg. 28,982)

SCHIFF, HARDIN LLP
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicant.